

THE  
S P E E C H  
OF THE  
RIGHT HONOURABLE  
T H O M A S <sup>Grey</sup>  
EARL OF  
S T A M F O R D,  
Lord Gray of G R O O B Y, &c.

AT THE  
General Quarter-Sessions held for the County of  
LEICESTER, at Michaelmas, 1690

His Lordship being made CUSTOS ROTULORUM  
for the said County by the Late Lord Commis-  
sioners of the Great Seal.

---

*Non partium Studiis agimus, sed sumptibus Arma.*

*Rode, Caper, Vitem, tamen hinc cum Stabis ad Aras.*

*In tua quod fundi, Cornua possis, eris.*

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L O N D O N :

Printed for Richard Baldwin, near the Oxford-Arms  
in Warwick-Lane. MDCXCII.

# THE SPEECH

OF THE

RIGHT HONORABLE

THOMAS

EARL OF

STAMFORD

LORD GRAY OF GROBY &c.

AT THE

General Quarter-Sessions held for the County of

LINCOLN, at Lincoln, 1819

His Lordship being made CUSTOS ROTULORUM  
for the said County, and the said Lord Commis-  
sioners of the Great Seal.

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# TO All Impartial READERS.

**T**HIS is now principally address'd to you, because I know you will read, not with bias'd Understandings, nor Minds prepossessed or warp'd, but with unprejudiced Candour and Fairness; and will see that natural and genuine Constitution on this most Noble Author's Speech, which, considering the sincerity of his Intentions, it ought to receive; which were (when it was spoken, and continues the same now it is Printed) no other than to support and justify the Legal proceedings of the late Convention and Parliament, in the placing their present Majesties on the Throne of their Ancestors; That being (*Ultimum necessitatis Presidium*, as Grotius's words are, i. c.) the last Refuge in that extreme Necessity the Government was then brought to, by those \* Evil Counsellors, Judges and Ministers, who had been employed by the Late King, to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom, in ways so open and violent, that (as Suetonius saith) *vix referri, audirive, nedum credi fas est*, it is scarce allowable either to be related, or heard, and much less to be believed.

This was the Design, and the only Design (as his Lordship hath often assured me) of his giving this Charge at the general Quarter Sessions, to inform the Ignorant, to satisfy the then Scrupulous, and to convince, if possible, the Obstinate and Faction, and to bring them over to a hearty Submission and Obedience to the present Establishment.

But instead of meeting with this good effect designed, these last discontented and forward Gentlemen, still retaining their old Enslaving Principles, or drinking in with them, the modern Concepts of some Clergy-men, who are fond of their unintelligible Speculations, have industriously been labouring to asperse this Noble English Peer (through their ignorance of our Government, so say no worse) under the false ignominious Character of a Commonwealths-man; and to misrepresent his Speech for a Comble of Republican Principles.

This Impudent Aspersions has extended farther than the Bounds of that County wherein this Charge was given; His Lordship hath heard the same Traduction of him has slyly been whispered in Royal Palaces.

This is a most wicked piece of Malice in whosoever are guilty of it, and so much the more dangerous, the higher any are in Station, and the nearer to the Person of their Sovereign in their constant attendances on him; for those

Grot. de Jure  
Belli & Pacis.  
lib. 1. c. 4. n. 7.

Act 1. W. and  
M. declaring  
the Rights and  
Liberties of  
the Subject,  
and Settling  
the Succession  
of the Crown.

Sueton. in vit.  
Tiberi. n. 44.





And I most solemnly Declared them to I think  
 therefore it will not be improper to suppose  
 either of you or my time (before I come to  
 the Articles of your Charge) to acquaint you  
 how persons at first united themselves into Co-

# S P E E C H

OF THE  
 RIGHT HONOURABLE

THOMAS

EARL of STAMFORD, &c.

*Gentlemen of the Jury,*

**T**HESE being some men in this  
 Kingdom, who are so injurious  
 to Themselves, their Countrey,  
 and the Establish'd Religion they  
 profess, that they will not allow  
 Their present Majesties King

William and Queen Mary, to be the Lawful and  
 Rightful King and Queen of these Realms,  
 notwithstanding the great Consent of the whole  
 Nation, by their Representatives in Parliament,

but hath

hath most solemnly Declared them so: I think therefore it will not be altogether a Mispence either of your or my time (before I come to the Articles of your Charge) to acquaint you, how persons at first united themselves into Government.

When Numbers of men were got together, they, for their own Preservation, and general Good, soon agreed among themselves, to chuse some one or more, to be their Judg, or Judges, of Right and Wrong, and to give remedy to the injured and oppressed; to call them together to consult about the weighty Affairs of their Government, to head them against any Foreign or Common Enemy, to reconcile Differences amongst themselves, and to defend both their Persons and Goods in Peace by Rules of Law. (a)

For there was never yet any Civilized Nation, either of ancient or later days, to be found, either by the Discovery of the *Indies*, or elsewhere, where men living together, had not some kind of Magistrate or Magistrates to govern them, by their own consent.

But there is a sort of men amongst us, who by the cunning Insinuations of some disaffected persons, are prevailed upon to believe, that the very Species of Government is of Divine Right; but

but I must needs tell them, That to me it seems contradictory to the Nature, as well as destructive to the very End and Being of Government.

For if we consider that we are all equal by the State of Nature, and by that there can be no superiority, or subordination one above another; there can be nothing more rational, than that Creatures of the same Species and Rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another; and were it not for the corruption and viciousness of Degenerate men, there would be no need of any other State; for every one in that State is both Judge and Executioner of the Law of Nature, which is to punish according to the Offence committed; but men being partial to themselves, Passion and Revenge is very apt to carry them too far in their own Cases, as well as Negligence and Unconcernedness is apt to make them too remiss in other mens.

This made every one willing to give up his single Power of Rule to one or more, as they thought most fit and convenient for the Publick Good; and he or they to govern by such Rules as the Community or those Authorised

by them to that purpose should agree on, with intention in every one the better to preserve himself, his Liberty and his Property, but not as those Persons would have it, who (b) flatter Monarchs in Authority, That they may do what they please, because they have Power to do more than others; as if rational Creatures can be supposed, when free, to put themselves into Subjection to another for their own harm, which were to put themselves in a worse Condition than in the state of Nature, wherein they had liberty to defend their Lives and Properties against the Invasions of all Mankind; whereas by giving themselves up to the Absolute Arbitrary Power of any man, they at the same time Disarm themselves, and Arm him, to make what Prey of them he pleaseth, whenever he hath a mind to it.

I must confess, if there were but one sort of Government in the world, I should less blame the Confidence of these men; because they would have something more to say for their Opinion: For tho I own that Government in general is of Divine Right, yet the particular Species cannot be so, because there are so many several sorts of them (which I will briefly run over),.

over); and so many several Laws fitted for them, that it cannot with the least colour of Reason be said, that either God or Nature made them; but it was the Industry of man, as occasion required, and God permitted them.

For can any one say, that God and Nature did not concur as well with *Italy* when it had but one Prince, as now when it hath so many; the like with *Germany* and *Switzerland*, which was once one Commonwealth under the Marquesses and Dukes of *Austria*, and now are divided into Thirteen Cantons, or Commonwealths, under Popular Magistrates of their own?

To come to our own Nation; *England* also was first governed by one or more Kings under the *Britains*, and then became a Province under the *Roman* Emperors, and afterwards was divided into a *Haptarchy*, or Seven Kingdoms, at once, under the *Saxons*; after that, under the *English-Saxons*, *Danes*, and *Norman* Kings, it became a Limited Monarchy, as it now continues under their present Majesties; all this by God's Providence and Permission (not by peculiar Divine Designation) who suffered his own people the *Jews*, to be under divers manners of Governments, at different times; at the first under Patriarchs, as *Abraham*, *Isaac* and *Jacob*; then under Captains,



as *Moses*, *Joshua*, and the like; then under Judges, as *Orthoniel*, *Ehud*, and *Gideon*; then under High Priests, as *Ely* and *Samuel*; then under Kings, as *Saul*, and *David*, and the rest; then under Captains and High Priests again; until they were brought under the Power of the *Romans*.

After this, I hope none can doubt but that as to all the just forms of Civil Government, God doth concur with what the Community thinks fit to order and direct for the publick good.

Some there are, that vainly affirm *Monarchies* to be so divinely *Hereditary*, that the people have nothing to do to resist or remove any Monarch, altho never so cruel or Tyrannical over his Subjects; which is a Doctrine (I think) was never believed in former Ages; as I hope I shall plainly make to appear in my following Discourse, from the usage and practise of this and several other Kingdoms and Countries; which being done, I hope all men (I am sure *All* that have a hearty love and value for Liberty and Property) will be satisfied that *K. William* and *Queen Mary* are our Rightful and Lawful King and Queen of these Realms; and that what hath been done in relation to the late King *James*, and the placing this present King and Queen upon the Throne, is nothing more than what hath been oft-times practised in former Ages in this  
and

and other Kingdoms ; and that the like Changes in Government have been, I shall endeavour to make out by several Instances:

And first I will begin with foreign Nations, in which I will be as short as possible.

There were in *France* made two great Changes in the Royal line, the first from the Race of *Pharamond* to the Line of *Pepin* ; the second from that of *Pepin* to *Hugo Capet*, whose Posterity enjoy it to this day.

(c) *Childerick* the third was deprived for his evil Government by the States of the Kingdom, and *Pepin* chosen King in his stead ; and as long as his Race proved brave Kings, and acted for the Common Good, they were continued Kings ; *Lewis* the Third, and *Charles*, surnamed the *Gross*, were both deprived by the States of *France* for their ill Government, and such who were thought more worthy appointed in their stead. This all their Historians agree in. (d)

Those who write of *Spain*, do say, that *Flaveo Suintilla* (e) was deprived for his evil Government, together with all his Posterity, and *Sisnando* chosen in his Room.

*Don Pedro* (f), surnamed the *Cruel*, for his injurious Proceedings with his Subjects, was De-throned ; the *Spaniards* called in his Bastard Brother

ther *Henry* that lived in *France* (who came to their assistance and slew *Don Pedro* hand to hand) and they chose him King, whose Posterity reigns now.

In *Portugal* *Don Sancho* the Second, was deprived by the Universal consent of the *Portugueses*, and *Don Alonso* his Brother set up in his stead. (g. 1. 2.)

*Chrastierne* King of *Denmark* for his intolerable Cruelty was deprived, and his Wife and three Children disinherited, and his Uncle *Frederick* was chosen King. (b)

In *Scotland* the Nobility and Gentry took up Arms against *Durstus* their King for his Intolerable Cruelty, and slew him and his Confederates in Battel, and put his Sons by, and chose *Even* his Brother, King, who leaving a Bastard Son, called *Gillo*, the Kingdom was conferred upon him.

*Cruthy Cinthus* having surprized and slain *Donald* for his Cruelty and Tyranny, was Unanimously chosen King. And,

*Ethus* for his ill Government was deprived, and *Gregory* was made King in his stead. (i)

As for *England*, I will mention some few before the Conquest (vulgarly so called) who were (k) *Archigallo*, (l) *Emerian*, (m) *Vortigern*, (n) *Sigebert*, King of the *West-Saxons*. (o) *Beornred*, and (p) *Alured* King of *Northumberland*, all these were deprived of their Thrones, for their cruel and evil Govern-

ment,

ment, and others more worthy put in their steads.

King (q) *Edwin* being deprived for his unjust Government, the Crown was given to his Brother *Edgar*, who proved a most incomparable Prince.

There are several more Instances, among which were *Egbert*, who obtained the Crown, tho not next in blood; and as for *Adelstan*, he was Illegitimate.

After the reputed Conquest, you will find that upon the death of *William* the First, his Eldest Son *Robert* was put by, and (r) *William Rufus* his Brother, and the Third Son, was Elected King. After his death his younger Brother (s) *Henry* the First, tho not the next Heir, was chosen King by the peoples full consent, tho not summoned by Writ. Next (t) *Stephen* was chosen King against the Right of *Mauke* the Daughter of *Henry* the First; then (u) *Henry* the Second against the Right of his Mother *Mauke* then living. After the death of (v) *Richard* the First, (x) *John* (Earl of *Moriton*) was Elected King, and *Arthur* the right Heir disinherited. (y) *Henry* the 3. was chosen against the Right of *Eleanor*, Prince *Arthur*'s Sister. At the death of *Henry* the Third, the (z) States of the Kingdom met, and settled the Government by appointing Officers, and doing what else was necessary for the defence of the Realm. And (aa) *Edward* the

Fourth was declared King by the people, his first Parliament Recognizing his Title to the Crown, *Henry* the Sixth then living. Tho I could go on farther, yet I will stop here, because I have mentioned enough to put it past all contradiction, even by the most prejudiced; That the *several Forms* of Government are not of *Divine Right*, though Government it self be. And also, that our present King *William*, and Queen *Mary*, are our Rightful and Lawful King and Queen of these Realms; and that none can be friends to Government in general, nor to this wonderful and happy Revolution, who go about to maintain the contrary, or take the Oaths to this Government with any Mental Reservation, or particular explanation.

I could wish there were no such men in this Kingdom; but yet it is too plain there are amongst us such as do not care what fire and heat they cause, so that they can but warm themselves by it.

I beg your pardon, Gentlemen, that I have kept you so long; nor would I have done it, but that I thought it as proper to acquaint you with the nature of Government in general, as well as the *Rightfulness* and *Lawfulness* of This, before I came to tell you the parts that you are to act, and



and the business you are to do to support it and your selves, which is to present all those that are guilty of Treasons, which are either High or Petty Treason. High Treason is compassing or imagining the death of the King or Queen, and declaring the same by open deed, or overt act; Killing the Chancellor, or Treasurer, Justice of the one or other Bench, or other Justices in Eyre, or of Assize, or Oyer and Terminer, in their places doing their Offices; Counterfeiting the Great or Privy Seal; Counterfeiting, Clipping, Washing, or filing of the Current Money of this Realm for lucre or gain; absolving the Subjects from their Obedience, or reconciling them to the obedience of the Church of Rome, in both the Reconciler or Reconciled.

Petty Treason is, when a Servant kills his Master or Mistres, the Wife her Husband, &c. and Misprisions of Treasons are those that conceal any sort of Treasons, or harbour the Traytors, knowing them to be such.

Murder, under its several Denominations, whether the person did kill another out of malice, or by accident, or by defending of himself, the Law is so tender and careful for the loss of a Man, that it requires an Inquisition to be made after it, that so the offence may be punished according to its nature.

All

All sort of Robberies, whether on the Road, or in Houses, open or shut; the stealing of Horses, or other Cattel, abroad or elsewhere; and to prevent that and other loose and idle Living, the Law does provide Punishments for Poachers or Destroyers of Hares, or Partridges, Pheasants, Rabbits, and Deer, in, and out of Parks; Alehouses or Tipling-houses, which receive and entertain lewd and idle Persons at unreasonable and unseasonable Hours; vagabonds and sturdy Beggars; all Constables for neglecting their Duties, or taking more than their Dues; and other Officers, as Registers, Clerks, and Bayliffs; the Law is so careful to prevent men in Office from oppressing the People, that there can be no Oppression which it does not take notice of to punish. I must yet add this, That tho I have omitted several Particulars, yet that does not excuse you from Presenting of all other Offences which come to your knowledge; which I doubt not but you will do without either Favour, Affection, or Malice: So you will perform your Oaths justly and uprightly, and do God Honour, the King Service, and your Selves and Countrey Right: And so I leave you to your Enquiry.

## NOTES.

(a) (1) **M**HI quidem non apud Medos solum (ut ait Herodotus) sed etiam apud Majores nostros fruentis Justitia causa videbatur aliam bene morari Reges constituit. Nam cum premeretur interis multitudine ad ista qui Majores ipsi subiecerunt, ad unum aliquem confugiebant civitate praestantem, qui cum prohiberet injuria temperare, aequitate constituenda, spemque cum infimis pari fore retribui. Eademque constituebant Legem suam causis, quae Regum. Iur enim semper quaestum est iniquitate: virum enim laetare esse ius. Id si ab uno iusto & bono viro constituantur: eo erant contenti: cum id minus contingeret; Leges sunt iniquae, quae cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperatum deligebant, quorum de Justitia magna esset Opinio multitudinis. Adhuc vero hoc, ut iidem etiam prudentes haberentur: nihil erat quod homines his Auctoribus non posse consensui se arbitrentur. Cicero. de Offic. lib. 2. which I find thus translated by Sir Roger L'Estrange. Herodotus tells us, That the Medians chose their Kings originally for the probity of their manners; and in hope of enjoying the benefits of Common Justice; which I am persuaded was the end and practice likewise of our Predecessors. For when in old time, the Weaker were oppressed by the Stronger, the People presently betook themselves to one more Excellent than the rest, for their Protection: and it was his part to relieve the distressed, and to make such pro-

visions, that common Right might be done indifferently betwixt all Parties. And in the making of their Laws, they had the same prospect, as in the choice of their Kings; the thing propounded, was an Equal, and a Common Right; and in truth, it could be no Right, without being so qualified. If under the Administration of some one man that was just, and good, they attained that end; they were well contented there to rest; but in case of failing, there were Laws invented, which to all under them, and at all times, should still pronounce one and the same Sentence. This now is clear, That in all Elections the People have still had a care to pitch upon him for their Governor, that was most revered for his Justice; always provided that he were a man of prudence too. And what is it that a Nation would not believe it self able to compass under so Auspicious a Conduct? Sir R. L'Estrange's Translation, p. 101, 102.

Neither can any man with reason think, but that the first Institution of Kings, a sufficient consideration wherefore their Power should always depend on that from which it did always flow by Original Influence of Power, from the Body unto the King, is the cause of Kings dependency in Power upon the Body. By Dependency we mean Subordination and Subjection. A manifest Token of which Dependency may be this; As there is no more certain Argument that Lands are held under any as Lords, than if we see that such Lands in defect of Heirs fall unto them by

by Escheat: in like manner it doth follow rightly, That seeing Dominion, when there is none to inherit it, returneth unto the Body; therefore they which before were Inheritors thereof did hold it with dependency upon the Body; so that by comparing the Body with the Head, as touching Power, it seemeth always to reside in both; fundamentally and radically in the one, in the other derivatively; in the one the habit, in the other the act of Power. *Hobbes: Eccles. Polity, Book 8. fol. 445.*

(b)

(b) *Occurrit alio Adulatorum Turba prudens ut nomine commendata, qui ut se in Gratiam Regum insinuant, illi persuadent eos esse supra Leges; & paulo post, Nunquam in Regni & Civitatis homines scelerati defensionem, nec hodie desunt, qui Principes erroribus turbulentis insunt, quibus illi quidem ammirandi sunt, qui cum se Jure consultos existimari velint, Regibus persuadent, illos omnino solutos esse Legibus. Orosius, lib. 5. De Regis Infamione; which may be thus render'd.*

There is another Race of Flatterers, that set up for Statists, that will needs recommend themselves by their pretended *super-fine* Prudentials, and to insinuate themselves into the favour of their Kings, will be persuading of them that *They are above the Laws*; and (a little after, says he) there never were wanting such *base and vile Wretches* as these in Kingdoms and Cities, nor yet are, who labour to infect Princes with such pernicious Errors, among whom, those are to be put upon the file of account, that, *when they would fain be esteemed and reckoned most trusty Counsellors*, will be persuading Kings that they are altogether free and loose from the Laws.

But the Lord Chancellor Bacon, among many other Excellent Counsels to the then Duke of Buckingham, wisely cautions him in these words;

*viz.* 'In respect of the King your Master, you must be wary that you give him true Information; and if the matter concern him in his Government, that you do not flatter him; if you do, You are as great a Traytor in the Court of Heaven, as he that draws his Sword against him. *Cabala of Lett. & 41.*

King James I. gives these sort of Persons no better names than those of *Flatterers* and *Peers* to their Prince, and the *Commonwealth*. For (saith he) a King governing in a settled Kingdom, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves off to rule according to his Laws. *In his Speech to his Parliament, 1609. in his Works, 531.*

(c) Childerick the Third, after Ten years reign, was deposed by Pope Zachary, at the request of the whole Nobility and Clergy of France; or rather his Deposition was by them, and confirmed by the Pope, to whom they alledged this Reason for their so doing, as Girard sets down in both his French Chronicles, the Large one, and the Abbreviation, *viz.* That their Oath to Childerick was to honour, serve, and obey, maintain and defend him against all men, as long as he was just, religious, valiant, clement, and would resist the Enemies of the Crown, punish the wicked, and conserve the good, and defend the Christian Faith. And so much as these Promises (said they) were conditional, they ought not to hold, or to bind longer, than that they were reciprocally observed on both parts; which seeing they were not on the part of Childerick, they would not be any longer his Subjects, and so desired Zachary to absolve them from their Oaths, which he did, and by this means Childerick was deposed, and put into a Monastery, where he died. In his place Pepin was chosen, and crowned King, whose Posterity reigned

reigned for almost 200 years after him, until *Hugo Capet* was put into the same Throne by the same Authority of the Commonwealth; and *Charles of Lorraine*, last of the Race of *Peppin*, for the Evil satisfaction which the French Nation had of him, was put by it, and kept Prisoner during his life, in the Castle of *Orléans*.

*Hugo Capet* was chosen King of France, notwithstanding the apparent Right of *Charles of Lorraine*, who was the next Heir of *Louis V.* by reason that the said *Charles* seemed too much linked to the Interests of the Germans, who at that time were Enemies to France. *Gul. de Nangis, ad An 987.* and others in *du Chêne*.

(d) *Louis XI.* of France, the most unbridled Monarch that ever was, in his *Rosary of War*, composed by him a little before his death, for the use of his Son *Charles VIII.* writes thus, "When Kings or Princes have no respect to the Laws, they take from the People what they ought to leave them possessed of, and do not give them what they ought to have; and in so doing, they make their People Slaves, and thereby lose the Name of a King."

Wherefore the Incomparable *Hooker* tells us, that, "There is the best Established Dominion, where the Law doth most rule the King." *Eccles. Polit. lib. 8. fo. 443.*

(e) (c) About the Year of Christ 630. we read of a Legal King named *Flavio Suinilla*, put down and deprived, both He and his Posterity, in the Fourth National Council of *Toledo*, holden in the Year of Our Lord 633. according to *Ambrosio Morales*; and one *Sisinnando* confirmed in his place, notwithstanding that *Suinilla* was at the beginning of his Reign, a very good King, and much commended by *Isidorus*, Archbishop of *Sevill*. (*Isidor. in Hist. Hisp.*) who yet in the said Council was the

first man that subscribed to his Deprivation. *Concil. Tolet. 4. cap. 4. Ambrosio Morales, lib. 11. cap. 17.*

And the Fathers of that Council (after Matters of Religion, and Reformation of Manners, which they handled in 73 Chapters) in the end, and last Chapter, come to handle Matters of State also. And first of all they do confirm the Deposition of *Suinilla*, together with his Wife, Brother, and Children, and all for his great Wickedness, which in the Council is recounted; and they do deprive them, not only of any Title to the Crown, but also of all other Goods and Possessions, Moveables and Immoveables, saving only that which the new King's Mercy should bestow upon them. *Concil. Tolet. 4. cap. 74.*

(f) This *Don Pedro*, called the Cruel, tho otherwise he was legally possessed of the Crown, as Son and Heir to King *Don Alonso* the Twelfth, and had reigned among his Subjects 18 years, yet for his evil and barbarous Government over them, about the Year of our Saviour 1368, they resolved to depose, and so sent for a Bastard Brother of his, named *Henry*, that lived in France, requesting him that he would come with some Frenchmen to assist them in that Act, and take the Crown upon himself, which he did, and by the help of the Spaniards, and French Soldiers, he drove the said *Pedro* out of Spain, and he himself was crowned. *Estevan de Garibay, lib. 14. cap. 40, 41.*

Before him, as the same Author acquaints us, about the Year 1282, One *Don Alonso*, the Eleventh of that name, King of Castile and Leon, succeeded his Father *Fernando* the Saint, and himself obtained the Surname of *Sabio* and *Astrologo*, for his excellent Learning in that Art, as may appear by the Astronomical Tables that at this day go under his name. This man, for his evil

Govern-



Government, and especially for Tyranny used towards two Nephews of his, was deposed of his Kingdom by a publick Act of Parliament in the Town of Valladolid, after he had reigned 30 years, and his Son *Don Sancho* the Fourth, was Crowned in his place, who for his valiant Acts was surnamed *El Bravo*, and it turned to the great benefit and advantage of the Commonwealth: *Garib. lib. 13. de la Hist. de Eſpa. cap. 15.*

- (g.) (g. 1.) *An. 1243.* All was in combustion in *Portugal*, by the negligence and baseness of their King *Don Sancho Gupile*, who was wholly given to his Wife's humours, hated of the *Portugals*, and himself disliked for her sake; for many Malefactors and insolent persons were supported by her, who grew daily more audacious in their Excess, without fear of Justice, which was trodden under foot for their respect; For these Considerations, and her Barrenness too, all the Noblemen of the Kingdom desired to have the Queen (called *Mencia*) separated and sent out of *Portugal*: For effecting whereof, they made a great instance at *Rome*, but neither Exhortation, Admonition, nor Commandment, nor Censure, could prevail, the King so doting on her, that he would not leave her; which the *Portugals* perceiving, some of them presumed to seize on her in the City of *Coimbra*, and conducted her into *Gallicia*, from whence she never more returned into *Portugal*. Not content herewith, they sought to depose the King from His Royal Dignity too for his ill Government, and to advance his Brother, *Don Alphonso*, to the Regal Throne in his place; whom the Estates Assembled, made Regent of *Portugal*, leaving only the Title of King to his Brother: Which fact of the Estates, the Pope in the Council of *Lyon*, Authorized by his Apostolick Power, with which the King being dis-

pleased, abandoned his Realm and retired into *Castile*. General Hist. of Spain, lib. 13. c. 29.

(g. 2.) *Don Sancho II. Surnamed the* (g. 2) fourth King of *Portugal* (Legitimate Son and Heir to *Don Alphonso*, surnamed *El Bravo*, third King thereof) after he had reigned 14 Years, was deposed for his Defects in Government, by the Universal Consent of all *Portugal*: *Garib. lib. 4. de Hist. Portugal. cap. 19.* and this his Deprivation from all Kingly Rule and Authority (leaving him only the bare name of King) was approved by a General Council in *Lyon*, Pope *Innocent IV.* being there present, who at the Petition and Instance of the whole Realm of *Portugal* by their Ambassadors, the Archbishop of *Braga*, Bishop of *Coimbra*, and divers of the Nobility, sent to *Lyon* for that purpose, did authorize the said State of *Portugal* to put in Supream Government *Don Alphonso* his Brother, who was at that time Earl of *Burgundy* in *Castile*, by right of his Wife; and so the *Portugals* did, and a little after they deprived their said King, and did drive him out of his Realm into *Castile*, where he spent the rest of his days in banishment, and died in *Madrid* without ever returning. And this Decree of the Council and Pope at *Lyon*, for authorizing of this Fact, is extant in the 6th Book of Decretals in print. *Lib. 6. Decret. tit. 6. de Supplenda. cap. Grand. 1.*

(h.) *Christiane* the second, King of (h) *Denmark*, was thrust out of his Kingdom for his intolerable Cruelty, Tyranny, and Breach of his Subjects Privileges; which he endeavouring to regain, was taken Prisoner by his Uncle *Frederick*, Duke of *Schleswick* and *Holstein*, and committed Prisoner to *Sunderburg* in *Holstia*, where he died in Chains: *Frederick* was Elected King in his place (upon certain Articles and

and Conditions which he was sworn unto before his Coronation in general Assembly of the States held at Hesbe, in 1522, in and by which Assembly, *Christiane* was solemnly Deposed, and a Declaration Made, Printed, and Published in the name of all the States of *Demmark*, wherein they express the Cause, why they renounced their Faith and Obedience to *Christiane*, (whereunto him appointed Conditions which he had broken; and *Electo Frederic*, which Declaration is recorded in *David Chytrius*, his *Chr. Ann.* lib. 19. p. 308. to 312. *Stad. lib. 4. Hill.* An. 1532. will be evi-

- (i) Amongst the many Examples that *Scotch* Historians do afford us of *Abdicated Kings*, none is so remarkable as that of King *James* the 3d, who endeavouring to introduce an Arbitrary Government, and to support it by a Sovereign Power; after the Violation of all the solemn promises he made to the contrary; at last the Nobility and Clergy, in great Numbers Assembled themselves together, having the young Prince, his eldest Son, then about sixteen years of Age at their Head, to oppose his designs: They hapned to meet in the Field of *Stirling*, where the King had the misfortune to be defeated and slain; whereupon the Prince was declared King, and in a *Free Parliament* soon after call'd, the business of the field of *Stirling* was fully debated, and by the unanimous consent of the *Tories* Estates, it was declared and adjudged, That those that were slain in the said Field of *Stirling*, in the assistance and defence of the late King, had fallen by their own deserting; and justly suffered the punishment of their sinners; That the Conquerors were innocently guilty of the Blood there shed, and fairly acquitted of any pursuit. The Act of Parliament, that condemns the Arbitrary proceedings

of the said King *James* 3. *Hist. ind. Angl.* cap. 25. the *Debating* and *General* that field by him in the battle of *Stirling*, in which he fell, and justifies and clears off those that fought against him in defence of their *Liberty and Liberties*, is to be seen among the *White Acts* of Parliament. Printed by Authority of *Alas* Queens of *Scot.* An. 1567. and which is likewise in *Bartholomaeus Drummond's* History of the *Five* *Scottish* *Wars*, in his *Historie des Rois de France*, and others.

Nay, the very Emperors themselves, when they infringed the Rules of Government which they have sworn inviolably to observe, and violated the Fundamental Laws of the Empire, the States have opposed and resisted them, and finally deprived them of the Empire. The *German* Lawyers have always held, and do still hold it for a certain Truth, That when they abuse their Power, in the overturning of the State, or for invading the Rights of the Princes of the Empire, That it is a Right inherent in the Estates, to deprive them of their Imperial Dignity, and to confer the same on another. This is declared by *Leonardus*, *Artenius*, *Didrichs*, *Comenius*, and many others.

The Emperor *Wenceslaus* was deposed by the Electors of the Empire in the year 1400, after that he had been twice taken Prisoner, and had been exhorted by the State, to amend and take up from his irregular actions. *Aventin.* lib. 7. *Annalium & Cosmograph.* in *Vita Principum*.

- (k) *Archibald*, one of our Ancient British Kings in times of Paganism, giving himself to all dissensions and strife, imagining Causes against his Nobles, to put them from their Goods and Dignities, setting up ignoble persons in their places, and plucking away by sinister, wrongful means from the Rich their Wealth and Goods, by which

which he enriched himself, and impoverished his Subjects. They of late again lustily took and deprived him of all Kingly Honour and Dignity, when he had Reigned almost five years, making his Brother *Elidurus*, King of Britain by one Assent, in the year of the World 4913, who after five years good Reign, resigning himself sick, Assembled the Barons of the Land, and by his discreet words, and bearing loving carriage, persuaded them to restore *Archigallo* to his former Honours and Regality. And thereupon Assembling a Council of his Barons at *Caerbrack*, or *Tork*, he caused such means to be made to the *Commons*, that in Conclusion, when *Elidurus* had Ruled the Land five years as King, he resigned *thine* his Crown and all Kingly Power to *Archigallo*, who being thus restored to his Kingly Dignity, by joint consent of the People, remembered well the evil life that before time he had led, and the punishment he had suffered for the same; wherefore in eschewing of like danger, he changed all his old Conditions, and became a good and right wise Man, Minist'ring to the People Equity and Justice, and bare himself so Nobly again towards his Lords and Rulers under him of his Lands, that he was beloved and dreaded of all his Subjects, and so continued during the Term of his Natural Life. *Fabian's Chronicle*, 2d part. f. 15. chap. 39, 40, 41.

*Hollinhead* writes thus of him, *Archigallo*, the second Son of *Morindus*, and Brother to *Gorbenninus*, was admitted King of Britain in the year 3686. but he followed not the steps of his Brother, but giving himself to dissention and strife, ymagined Causes against his Nobles, that he might displace them, and set such in their rowmths as were men of base Byrth, and of evil Condrytyons. Also he sought by unlawful means to bereave his wealthy Subjects of their Goods and

Riches, so to enrich himself, and impoverish his People. For the which his inordinate doings, his Nobles conspired against him, and finally deprived him of all his Honour and Kingly Dignity, after he had Reigned the space of one year.

*Elidurus*, the 3d Son to *Morindus*, was, by one Assent of the Britains, chosen to Reign over them in his Brother's stead, after the Creation of the World 3684. but he being a Prince, doubted lest he should do otherwise than became him; if he did not take care for his Brother *Archigallo's* Estate; therefore he shewed wonderful diligence in travelling with the Nobles of the Realm, to have his Brother restored to the Crown again. One day happening to hunt in the Wood called *Calater*, near to *Tork*, he found his Brother *Archigallo* wandering there in the thickest part of it, whom in most loving manner he conveyed secretly home to his House, in the City of *Althud*, otherwise called *Althud*; shortly after, resigning himself sick. He sent to Assemble his Barons, whom being come at the day appointed, He called one after another into his Privy-Chamber, and so effectually managed them, that he prevailed with them to further him to their powers to reduce the Kingdom into his Brother *Archigallo's* hands. Then he Assembled a Council at *Tork*, where he so used the matter with the *Commons*, that in Conclusion, when the said *Elidurus* had Govern'd the Land well and honourably for three years, he resigned wholly his Crown and Kingly Title, unto his Brother *Archigallo*, who was received of the Britains again as King, by this mediation of his Brother *Elidurus*. This Restitution made *Archigallo* become a new Man, to Reign in surety, and by using himself uprightly in the Administration of Justice towards both the Nobles and Commons of the Realm, that he was beloved and dreaded of all

all his Subjects, during all the remainder of his Life, which was Ten years. *Hollingshead*, f. 30. Col. 2. 31. Col. 1. & 2. Printed 1577.

Geoffrey of Monmouth gives this relation of him:

*Post illum (scilicet Gordianum) Archigalla frater ejus, Regio Diademate insignitur, qui in amplexu suo actus Germano arversus exitit. Nobiles namque adique laborabat depences, & ignobiles exaltare, devotibus quibusque sua asserere, infinitas thesauris accumulavit. Quod Herodes Regni datus, terre raptantes, insurrexerunt in illum, & a solio Regio deposuerunt. Excessu excrevit Elidurum fratrem ejus, qui postea propter infirmitatem quam in fratrem facit, Pium vocatus fuit: Nam cum Regnum regno quinquennio possedisset, forte in Calatheno Nemore venans, obvius fratri suo qui depositus fuerat. Ipse vero peregratus quibusdam, provincialibus regni auxilium quaesierat, ut amissam honorem recuperare quavisset, nec usquam invenerat, & cum super venientem paupertatem duntaxat ferre non posuisset, reversus est in Britanniam, decem solummodo militibus Sociatus. Pauci ergo illis quod dudum habuerat Amicos, praedictum Nemus praeterebat: quoniam Elidurus ipse frater ipsum non speratum aspexit. Duo visis, cunctis Elidurus, & amplexatus est illum, infinita oscula ingeminans. Et cum diu miseriam fratris dederit, audit illum secum in Civitatem Aldelud, & in thalamo suo occultare. Posthac finxit se infirmum ibi, nunciisque suos per totum Regnum direxit, qui Principibus sibi subditis suggesserint, ut ad se visitandum venirent; Cumque Cuncti in Urbem, quae jacebat, convenissent, praecepit ut Unusquisque thalamum suum singillatim & sine tumultu ingrederetur. Afferbat enim sermone plurimum capiti suo nocere, si catervatim supervenissent. Credulus ergo quisque jussioni ejus paruit, Unusquisque post alteram domum ingressus est. Singulis itaque ingredienti praecipit Elidurus ministris, qui ad hoc parati erant, capere, ipsique capita amputare, nisi se iterum*

Archigallum fratri suo succedat. In hac  
etiam se perit in amplexu, & cum archi-  
gallum multante in amplexu succedat. Con-  
fratibus semper, & illis archigallum  
Archigallum Elidurum, & omnes dis-  
cimus de capite suo, & illis capiti su-  
posuit. Unde fortiter est de illis, quia  
quia praedictam pietatem in fratrem ha-  
buerat. Rationem ergo Archigallum dicitur  
dedit, & ipse ad interitum nostris coartat;  
vixit etiam circa capiti ignobiliter deponere,  
& generis exaltare. Sed illis erat  
unicuique permittit, utrumque justitiam  
exerceret. Denique superveniente longiora  
defecit, & in Urbe Raderis sepelitus est.  
*Galf. Monum.* l. 1. c. 17. f. 21. 22.

Elidurus Elidurus iterum in Regem,  
& pristina dignitate restituitur, idem.  
Cap. 48.

Ad idem f. 48. c. 17. f. 21. 22.

(1) *Æthelstan*, an old British King, for misgoverning of his People, was deposed by them in the sixth year of his Reign, and *Tadwalla* proclaimed King in his stead. *Hollingshead*, indeed, does but just mention him, saying, That He being far unlike his immediate Predecessor, and Brother *Margan*, in manners, was Deposed in the sixth year of his Reign, *Fab. 32. Col. 3. 7. 48.*

Geoffrey of Monmouth gives this Account. *Hic* (says he, *Scil. Margan* Archigallus filius, qui Genem Britannum cum tranquillitate tractavit) successit *Ennannus* frater, qui longè ab illo different in tractanda populi. Sed cum Regis sui a Regia sede depositus esset, Populus namque justitia tyrannidem praetulerat, quae ipsum a solio Regni deposuit. In loco ejus sui postum cognatus ejus *Idwallo* *Vigenii* filius, qui *Ennannii* corripuit, sui, & Regis Restitutorem colebat. *Galf. Monum.* f. 22. c. 19.

*Fabian* only mentions his name, and says, He was deprived for his Cruelties, *Fab. 2d Part, Chap. 46. p. 17. b.*

(m) *Portigern*, with *Speed*, f. 263. (m) among the many molesters of the Scots and Picts, was Ordained supream  
D 2 Go-

Governor of these Affairs: and rather end with the Saxons, but cunning was Elated their King.

But soon yvines, that for the Love he bore to *Romens* the Saxons, he was Divorced from his Lawful Wife, by whom he had three Sons, for which deed well near all the Britains forsook him. *Vodine*, Archbishop of *London*, a Man of singular Devotion, and good Life, by the advice of *Vortimer*, went to *Vortigern*, and said to him, that he had not done as a Christian Prince, in departing from his Lawful Wife, and taking another Woman, whose Father was an Enemy to the Christian Faith, and also went about to Conquer the Crown of Britain. Then said *Vortigern*, I was not wise when I brought the Saxons to help me against mine Enemies; but I was more unwise, when I was taken with the inordinate lust of the Daughter of *Hengist*. I know that mine Empire will be terrible, except I repent me with speed, and turn to God.

*Hengist* hearing *Vortigern* make this Lamentation, blamed him, for that He believed the persuasions of a prophane Man, of feigned Life, (as he termed him,) and forthwith slew the good Archbishop *Vodine*, and many other Priests and Religious Persons. All the Churches in *Ken* were polluted with Blood, the Nuns, with other Religious persons, were by force put from their Houses and Goods, and constrained to pollution of their Bodies.

The Britains considering the daily repair of the Saxons into this Realm, shewed to their King the Jeopardy that might thereof ensue, and advertised him of the danger, but all was in vain; for *Vortigern*, by reason of his Wife, bare such favour to the Saxons, that he would in no wise hear the Counsel of his Subjects; wherefore they with one mind deprived him of his Royal Dignity, when he had

Reigned Six years, and Ordained to be their King, *Vortimer*, his eldest Son. *Saxons* Chron. p. 11, 12.

Mr. *Raues*, in his Chronicle, says, after *Vortigern* had Married *Eugest* his Daughter, called *Romwen*, and gave to *Eugest* the Countrey of *Ken*, wherefore the Britains were wroth, and put down *Vortigern*, and Crowned *Vortimer*, his Son, King, the year of Christ mcccxxiii. and *Romwen* causing him to be Poisoned, the Britains by common Assent made *Vortigern* King again.

*Nennius*, the most Ancient English Historian after *Gildas*, tells us, that *Vortigernus* was deposed by *St. Germanus*, and the Council of the Britains, because he had Married his own Daughter, who placed his Son *Vortimer* upon the Throne. And as *Foissium* tells us, He was by Assent of the Britains, made King of Britain, in the year of our Lord 464. Feb. p. 36. a.

*Daniel* says, The British Nobility combined themselves against *Vortigern*, (the Author of the Improvident Admission of *Hengist* and *Eorla*, the Leaders of the Saxons,) who, after his Marriage with the Daughter, or Niece of *Hengist*, an exceeding Beautiful Lady (brought over of purpose to work on the dotage of this dissolute Prince) drew in so many of their own populous and Military Nation, that in short time, of Servants they became Masters, to contemn their Entertainers, and commit many Insolencies; whereupon the Nobility Deposed *Vortigernus*, and Elected *Vortimer* his Son, a Prince of great worth. *Dan. Hist.* fol. 7.

*Geoffrey* of *Monmouth* writes thus of him, *Data autem Puella Regi, ut predictum est, Dixit Hengistus ad eum; Ego sum Pater tuus, & Consiliator, tibi esse debio: Noli praterire Consilium meum; quia Omnes Inimicos tuos virtute gentis mea superabis, &c.* *Hengistus* etiam paulatim naves invitatat, & quotidie Numerum suum augebat. Quod cum vi-

dissent



differt Britones, prædicationem verum timentes. Regi dixerunt, ut ipse a finibus Regni sui expelleret. Non enim debebant Pagani Christianis communicare, nec admitti, quia Christiana Lex prohibebat. Insuper tanta Multitudo advenerat, ita ut Civibus terrori essent. Jam nesciebatur quis Paganus esset, quis Christianus, quia Pagani filios & Consanguineos eorum sub officioverant. Talia obijcientes, dissuadebant Regi illis perire, ne in proditiōne aliqui Civēs supercrederentur. At Vortigernus diffugabat Consilia eorum acquirere; quia super omnes gentes propter conjugem suam ipsos diligebat. Quod cum viderent Britones, deseruerunt illic Vortigernum, & unanimiter Vortimerum filium ejus in Regem crexerunt. *Gall. Monumet. lib. 6. cap. 13. fol. 44. 45.*

Sed Bonitatis ejus invidet illico Diabolus, qui in *Corda Rowen Newca* sua ingressus, eam incitavit, ut Neci ipsius immineret; quia officio Universi Peneſicis, dedit illi per quendam familiarem suum Venenum potare, quem innumerabilibus donariis corruerat. Quod cum hausſet Iulius Bellator ille, subita infirmitate gravatus est, ita ut nullam spem vivendi haberet. *Id. ibid. cap. 14.*

Post obitum verò filii, restitutus est Vortigernus in Regnum, *Ibid. cap. 15.*

Postremum Aurelius Ambrosius cum Germanis suo decem millibus Militum comitatus, convergens Exercitum suum in Cambriam, oppidum Genoreu petiit. Disfugerat eo Vortigernus, ut tutum Refugium haberet. Erat autem Oppidum illud in Natione Hergin super fluvium Ganix, in monte qui Cloarius nuncupatur. Ut igitur ad illud pervenit Ambrosius, proditiōis Patri ac fratri illata reminiscens, Eldol Ducem Claudioestrix affatur: Respice Dux Nobilis, hujus Urbis Mania, an poterunt Vortigernum protegere, quin gladii mei mucronem ipse intra viscera ipsius recondam? Promeruit enim Necem; nec tibi ignotum esse existimo ipsum eam promeruisse. O hominem omnium sceleratissimum! O ineffabilibus tormentis per-

secutus! primo tradidit patrem meum Constantinum, qui ipse & Patriam & Piclorum irruens liberavit. Deinde Constantem fratrem matris, quem, ut periret, in Regem promovebat. Deinde cum ipse pericula sua insigniter fuisset, intermisit cum Civibus Paganis, ut eos qui salutem mea sublevari, exterminaret, sed, permittente Deo, in laqueum, quem fidelibus suis paraverat, incidit socialis. Nam ut Nequitiam ipsius competerent Saxones, ejecerunt illum e Regno, quod Neminem pigere debeat Illud vult ostendendum esse censet, quod nefandis Populis quem nefandus ille convitavit. Nobiles Civēs exterminavit; Terram Patriam devotavit; Sacras Ecclesias destruxit; Et Christianitatem fere a Muri usque ad Mare deleuit. Nunc ergo Civis, viriliter agite, & vindicate vos prius in ipsum, per quem hac Omnia mala accesserunt. Deinde vertamus arma in hostes imminentes, & Patriam ab eorum ingluvie liberemus. Nec mora, diverſi machinatoribus incumbunt, Mania diruere nituntur. Postremum, cum caetera desciscunt, regem adhibuerunt, qui cum alimcutam reperisset, non acquievis adstrictus, donec Turrim & Vortegernum exisset. *Ld. lib. 8. cap. 2. fol. 54. Vid. Mat. Westm. fol. 90.*

Henry Huntington tells us. Dicitur etiam, quod ad Cumulum Damnationis sua propriam filiam suam duxerit; & ex ea filium genuerit; unde a S. Germano & ab omni Conventa Episcopali excommunicatus est. *Lib. 2. fol. 178. a. lin. 33.*

Dicitur autem, quod cum Rex prædicationem Sancti Germani audire posset, fugeretque Sanctum se sequentem, quadam Nocte Ignis de Caelo cecidit super Arcem in qua Rex erat; Rex autem tam Ruina quam igne destructus, nusquam comparuit. *Ld. fo. eodem, b. l. r.*

Mr. Ralph Hollingshead, in his History of England, hath much the same Story of Fortigern, Fol. 112. Col. 1, 2.

(n) Sigebert, King of the West-Saxons, (tho his Parentage is obscure and unknown, yet) made his Vices

ufficiently apparent and manifest; for he, wallowing in all sensual pleasures, added Exactions and Cruelties upon his Subjects, and being Tyrannous towards them, did set aside, and change Ancient Laws and Customs after his own Lust; of which vicious Life, when he was lovingly admonished by his most faithful Councillor, a worthy Earl, called *Cumbra*, so far was his mind from abandoning his Impious Courses, that he caused that Noble person to be cruelly slain: Whereupon the *Peers* and the *Commons*, seeing their Estate and Lives were every day in danger, and their Laws so notoriously violated, [*Conveniunt proceres Regis cum populo Univerſo*] Assembled altogether; and, provida unanimi deliberatione, & unanimi consensu, rose up in Arms against him, and would acknowledg him no longer their Sovereign, but deprived him of all Kingly Authority. He thereupon, being by Nature as fearful, as he was audacious unto Vice, fled into the Woods as his only safeguard, where wandering in the day like a person forlorn, and hiding himself in Caves of Wild Beasts in the Night, he was slain by a Swineherd that was Servant to *Cumbra*, and of him known to be *Sigebert*, in revenge of his Master's death, in the Wood that was then called *Andreass-Wald*; and *Kenulph* was made King in his stead, *An. Dom. 757. Speed's Hist. fol. 229. Col. 2. Srow's Chronicle, fol. 77. Col. 1.*

*Daniel* says, That *Ethelard*, *Sigebert*, *Kenulph*, and *Britric*, were rather Kings by Election, and their own Power, than by Right of Descent, *fol. 9. 10.*

*Henry* of Huntingdon's words are these; *Sigebertus brevi tempore Regnum tenuit. Namque ex pradecessoris sui eventibus transfactus & insolens, etiam suis intolerabilis fuit. Cum autem omnibus modis male tractaret eos, Legesque vel ad Commodum suum depravaret, vel pro Commodis suis devitaret. Cumbra Consul*

*ejus Nobilissimus prece totius populi, quoniam cum Regi sepe intimeret. Quia quia Regem suaderet, ut levius populum regeret, & inhumanitatem deponeret. Deo & hominibus amabilis appareret, maxime quia Nee jussu interfecit, populumque servavit & intolerabilior Tyrannidem augmen-  
tavit.*

*Sigebertus Rex in principio secundi Anni Regni sui cum incorrigibilis superbia & nequitia esset, congregati sunt Proceres & Populus totius Regni, & provida deliberatione, & unanimi consensu omnium expulſus est a Regno Kenulph vero Tuscini Egregius, de Regis stirpe Orinodus, electus est in Regem. Sigebertus vero Rex fugatus a suis non minora periculis metuent, in siliam magnam, qua vocatur ANDREDES WALD, fugiens se abscondit, ubi quidam porcorum Cumbre Consul, nequiter, ut diximus, interfecit, Regem absconſum invenit, inventum cognovit, cognitione Domini sui vindicem occidit. Hen. Hunt. lib. 4. fol. 196. a. lin. 18. vid. Mat. Westm. fo. 14. a. lin. 53.*

And two leaves after, in his *Abbréviation de Regibus West-Saxe*, he says, *Sigebertus Cruelis regnavit uno anno & paulo plus, & a Regno jussu expulſus, & postea occisus est. Id. fo. 198. a. lin. 48.*

*Hollinhead* tells us the same Story in these words:

*Sigebert* began his Reign in the year of our Lord 755, very near ended. He intreated his Subjects very evil, setting Law and Reason at nought: he could not abide to hear his Faults told him, and therefore he cruelly put to death an Earl, named *Cumbra*, which was of his Council, and faithfully admonished him to reform his evil doings; whereupon the rest of his Nobles assembled themselves together, with a great multitude of People, and expelled him out of his Estate in the beginning of the second, or (as *Harrison* hath) the first year of his Reign. Then *Sigebert*, as he was fearful

ful of nature, fearing to be apprehended, got him into the Wood, called as then *Andredswald*, and there hid himself; but by chance a Swineherd that belonged to the late Earl *Cumbra* at *Privesford*, found him out, and perceiving what he was, slew him in revenge of his Master's death. *Hal. lish. fo. 191. 194.*

I find in a very ancient President in the Kingdom of the *West-Saxons*, That *Cudred* King of *West-Saxony* being dead, *Sigehert* his Kinsman succeeded him in that Kingdom, and held it but a small time; for being puffed up with pride by the Success of King *Cudred*, his Predecessor, he grew insolent, and became intolerable to his People. And when he evil intreated them all manner of ways, and either wrested the Laws for his own ends, or eluded them for his own advantage; *Cumbra*, one of his Chief Officers, at the request of the whole People, intimated their Complaints to the Savage King; and because he persuaded the King to govern his People more mildly; and that laying aside his Barbarity, he would endeavour to appear amiable both to God and Man; the King immediately commanded him to be put to death; and increasing his Tyranny, became more cruel and intolerable than before: *Unde in Principio Secundi Anni Regni sui, cum incorrigibilis superbia & nequitia esset, Congregati sunt Proceres & Populus totius Regni, & eum provida deliberatione a Regno unanimi Consensu omnium expellebant. Cujus loco Kenwolpium, juvenem egregium, de Regia Stirpe oriundum in Regem super populum & Regnum West-Saxie elegerunt.* Whereupon in the beginning of the second year of his Reign, because he was arrived to an incorrigible pitch of pride and wickedness, the Nobles, and the People of the whole Kingdom, assembled together, and upon mature deliberation did by unanimous Con-

sent of them all drive him out of the Kingdom. In whose stead they chose *Kenwolp*, an Excellent Youth, and of the Royal Blood, to be King over the People and Kingdom of the *West-Saxons*. *Vid. Chronicon Johannis Brompton. fol. 769, 779, & 795, 796.*

(o) The People of the Kingdom of *Mercia* rose up against *Beornred* their King, because he governed them not by just Laws, but Tyranny; and assembling all together, as well Nobles as Ignoble, *Offa*, a most Valiant Young Man being their Captain, they expelled him from the Kingdom; which done, by the unanimous Consent of all Parties, as well Clergy as People, they Crowned *Offa* King. *Mat. Westminster's* words are; *Anno gratia 758. Gens de Regno Merciorum, contra Regem suum Beornredum insurgens, pro eo quod Populum, non aequis legibus, sed per Tyrannidem gubernaret, convenerunt in unum omnes tam Nobiles quam Ignobiles, & Offa Dux, Adolescentie strenuissimus, ipsum a Regno expulerunt. Quo facto unanimi omnium Consensu, praedictum Offam in Regem, tam Clerus quam Populus coronarunt.* *Matt. Westminster. fol. 142. lin. 15.*

And the next Leaf mentions this of him; *An Gratia 769. Catastasa Civitas igne cremata est a Beornredo Tyranno Rege Merciorum deposita. Sed ipse infelix eodem Anno, iusto Dei iudicio, incendio perivit.* *Id. fol. 143. lin. 33.*

(p) *Alured*, (who, as some affirm, (p) slew his Predecessor *Edilwald*, or *Molla*, and so by that means got to the Royal Dignity in *Northumberland*, in the Year of Christ's Incarnation, 765.) ruled over them with much Rigor, Cruelty and Oppression, that his People could no longer bear with his Misgovernment; and therefore after Eleven years groaning under his Tyranny, he was at last expelled out of the Province by his own Subjects, and enforced to abandon the same, as you may

may read in *Speed's* and *Stow's* Chronicles.

- (q) *Edwyn*, King of *Mercia* and *Northumberland*, for his Misgovernment, Tyranny and Oppression, following vain, base and wicked Counsellors, rejecting the Advice of the wisest and noblest Persons, was by the unanimous Consent of all his Subjects, removed from all Kingly Dignity, and deposed; in whose place *Edgar* was elected King, *An. 957*. His Deposition grieved him so much, that *Grafton* says, he died soon after for sorrow. *Vid. Hollinshead. fo. 23, 231.*

*Mat. Westm. reports it thus, Anno Gratia, 957. Rex Eadwius, quoniam in Regimine sibi commissio insipienter egit, à Mercensibus Populis & Notensibus est penitus derelictus, nempe sapientes quoque Regni, & nobiles odio vanitatis disperdentes, ignaros nihilominus & iniquos studio dilectionis fovebat. Quo unanimo omnium conspatione dejecto, elegerunt, Deo Dictante, fratrem ejus Eadgarum in Regem, & Annuente populo. Mat. Westm. fol. 196. lin. 21.*

Says *Rastell* in his old Chronicle, 'Edwyn, the Eldest Son of *Edmond*, Broder to *Ethelstone*, was next Kyng of *England*, the yere of Chryst ixclvi. He banyshyd Seynt *Donsone* for a Season, and toke Goodis and Jewels from *Relygyus* Houls, and gaff them to *Alyansis* and Strangers. He was a vycyus Man of lyvyng, and also a Tyrant to his Subjectis; that in Conclusions they depyvdyd him from all Kyngly Dygnyte and Honoure. This Book has not any Numbers of Pages, and therefore cannot particularly be referred to.

*Vid. Fabian's Chronicle, chap. 192. fol. 116. a. b. & Grafton. P. 153; 154. Stow. fol. 83. Col. 1. lin. 44.*

- (r) *Grafton* writes thus of *William Rufus*, That he being in *Normandy* at his Father's death, departed thence

before his Funeral Obsequies were finished and done, and in all haste addressed him into *England*; and being come into the Realm, he by and by made *Lanfrank*, then Archbishop of *Canterbury* (in whose friendship and faithfulness he had reposed no small trust and confidence) privy to all his Councel, praying him withal to put to his helping-hand, that he might be crowned King as shortly as might be, according to his Father's Will and Testament, the which was at the last brought to pass by the importune labour and suit of the said *Lanfrank*, promising all things in his name, that might by any means purchase him credit or favour with the People, that in all manner assented unto his Coronation, and so was he by him the said *Lanfrank*, with the Assistance of divers other Bishops, Anointed and Crowned King at *Westminster*, the first day of *October*, 1087. *Graft. Chron. Vol. 2. fol. 21.*

*Malmibury* says, *Robert* his Elder Brother, being in actual Rebellion against his Father, was abdicated; and *William* being very obedient in all things to him, a little before his death was adopted by him for his Successor, by his last Will: his words are, *Genitori in omnibus obsequelam gerens, ejus se oculis in bello ostentans, ejus lateri in pace obambulans; spe sensim scaturiente, jam successioni inhians, maxime post Abdicationem fratris majoris, cum & tirocinium Minoris nihil suspice-al. non ret. Ita à patre ultima valetudine decumbente in successorem adoptatus, antequam ille extremum efflasset, ad occupandum Regnum contendit: Mosque volentibus animis Provincialium exceptus est. Will. Malmesbur. lib. 4. fol. 67. b. lin. 22.*

*Brompton* says, that his Father *Willielmo* secundo filio suo Regnum Angliæ concessit & legavit. That *William* the First gave and bequeathed the Kingdom of *England* to *William*

William his Second Son. *Vid. Brompt.*  
fo. 98. lin. 40.

Simon of Durham says, Rex Willielmus 1<sup>us</sup> 24 Sept. 1078. *maritus*, Willielmo filio reliquit Imperium. Simon Dunelm. fol. 53. lin. 58. *Mat. Paris*'s words are, *Angliam possessiones maternas cum thesauro*, Willielmo Rufo legavit. fo. 13. lin. 53.

*Mat. Westm.* says, Rex Guilielmus mirabiliter terram suam sic divisit. Roberto primogenito suo in viro & tactus Normanniam, Guilielmo secundo filio suo Angliæ Monarchiam, & Henrico possessiones maternas & thesauri copiam delegavit. fo. 230. lin. 45.

Oldenburger indeed in the 2d part of his *Thesaurus rerum publicarum*, makes no mention of King William's leaving the Kingdom to his Son Rufus by Will, but rather asserts the contrary; quoting out of an old Book, called *Liber Cadomensis*, or the Book of Caen in Normandy, these very words of the Norman's own saying: *Neminem Regni Angliæ consuetudo heredem, non enim tantum Dicus hereditario Jure possedi*. I appoint no Heir to the Kingdom of England, for I did not enjoy to great an honour by right of inheritance; and therefore he only recommended his Son William to the Peers of the Nation, who was there elected by the People, *Volentibus animis Provincialium*, as is said before.

But Ingulphus, who lived at this time, owns that William Rufus had the Kingdom of England bequeathed to him by his Father's Will, and that he was gladly received by Archbishop Lanfrank, and the rest of the Great Men of the whole Kingdom, and thereupon solemnly crowned at Westminster: His words are, *Cum enim Gloriosissimus Rex Wilelmus primus in fata cessisset*, & Normanniam Roberto filio suo seniori dimississet, ac Angliam Wilelmo filio suo juniori; per Testamentum legasset: Wilelmus ex funere patris in Angliam festinus ab Archiepiscopo Lanfranco Nutritore suo, ceterisque Magnatibus totius Regni laetis manibus exceptus

est, & solemniter apud Westmonasterium coronatus. *Legall's Hist. in To. Rerum Anglicar. Scriptor. Veterum.* fol. 106.

But whether he had it left to him by Will, or not, 'tis not worth while to dispute; if he had, he thought it not of force and virtue enough to secure the Title to him; for he wisely betook himself to another way, which he knew would be sure, without exception, to settle him fast in the Throne of his Father, and summon'd the great Council, or Parliament, composed of the Nobility, and Wismen of the Kingdom; *Convocato Terra Magnatibus*, says Brompton, fol. 98. l. 16. *Optimates frequentes ad Westmonasterium in Concilium convocata*, ubi lecta post longam consultationem Guilielmum Rufum Regem fecerant, as *Polid. Virgil*'s words are, lib. 10. f. 164. and *Mat. Paris* writes thus, *Mox Willielmus volentibus omnium Provincialium animis in Regem acceptus*. Fol. 14. lin. 14. And when he had told them in full Council what his business was with them, they after a long and full debate of the matter, unanimously agreed to make him King, and thereupon set the Crown upon his Head in *Festo Sanctorum Cosmae & Damiani*.

(s) Rufus being dead, and Robert (s) his Eldest Brother (who was Duke of Normandy) having been absent for five years in a Voyage to the Holy Land, Henry the Youngest Brother, *Fratre ultimus*, and a very Wife-man for his Age, *cum callide cognovisset*, that the Great Men thought it by no means safe to be long without a King, Congregato Londonis Clero Angliæ & Populo universo, *promisit emendationem Legum; quibus oppressa fuerant Angliæ tempore Patris sui & Præterea super defuncti, ut animos omnium in sui promotionem accenderet & amarem*, & ut illam in Regem susciperent & Patrem, all the Clergy and People of England being assembled in London, he promised

E. 202. 21. 22. 23. 24.



an amendment of those Laws where with England had been so much oppressed in his Father's and Brother's time, if they would be pleased to receive him for their King: to this it was universally answered, That if he with a willing mind would grant, and by his Charter confirm to them those Ancient Liberties and Customs, which their Ancestors enjoyed in the time of Edward the Confessor, they would unanimously chuse him, and consecrate him for their King: Henry voluntarily and readily granting this, and taking an Oath to perform what he had promised, they with one Consent made him King. The words where I broke off in *Mat. Paris* are these, *Ad hac Clera respondente, & Mag-natibus concitis; quod si animo valente ipsi vellet concedere, & Charta sua communi illas Libertates & Consuetudinas antiquas, qua floruerunt in Regno tem-pore Sancti Regis Edwardi, in ipsum con-sentirent, & in Regem unanimiter consecra-rent. Hen. autem hoc libenter annuente, & se ad faciendum cum Iuramento affir-mante, Consecratus est in Regem apud Westmonasterium, in die Assumptionis beatae Mariae, favente Clero & Populo, cui continuo à Mauricio Londinensi Episcopo, & à Thoma Eboracensi Archiepiscopo corona capiti imponitur, M. Par. fo. 55. lin. 28.*

Henry de Knyghton, the Canon of Leicester, writes thus; Sic igitur isto modo Willielmo mortuo, Robertus Frater ejus in Normannia contra inimicos sibi infestiss in guerra sua occupatus est in eodem tempore. Iste Robertus semper contrarius, & adeo innaturalis existerat Burgenibus Regni Angliæ, quod plenario consensu & Concilio totius Communitatis regni imposuerunt ei illegitimitatem, quod non fuerat procreatus de legitimo thoro, quod non fuerat procreatus de legitimo thoro Willielmi Conquestoris, unde unanimi assensu suo ipsum recusaverunt, & pro rege omnino recusaverunt, & Henricum Fratrem in Regem erexerunt. Knyghton de Eventibus Angliæ, lib. 11. cap. 8. Col. 2374. lin. 14. the sense of

which is, That Robert being at his Brother William's death in actual war with his Enemies in Normandy, and the Barons of this Kingdom knowing him to be cruel in his Nature, and a Hater of the English Nation, by the full Consent and Council of the whole Community of the Realm, declared him illegitimate, because he was not lawfully begotten by William the Conqueror; whereupon by their unanimous Assent, they in a Parliamentary way rejected, and utterly refused him for their King, and set up Henry his Brother in his stead. And Henry prudently acknowledges this Title in his Charter, whereby he confirms the Liberties which he had before promised to his People; *Sciatis, says he, me Dei misericordia & Communi Concilio & Assensu Baronum Regni Angliæ ejusdem Regni Regem Coronatum esse, &c.* Know ye, that I, by the Grace of God, and the Common Council and Assent of the Barons of the Kingdom of England, am Crowned King of the said Kingdom. *Lambert de Præse Anglor. Legibus, fol. 175. Ric. de Hagulst. 310. lin. 48.* And at his Coronation those Laws were made à Communi Concilio Baronum Regni Angliæ, *Mat. Par. ut sup.*

*Mat. Westm. says, post Mortem Regis Gulielmi Rufi, in Regem est electus Frater ejus ille Henricus, fol. 235. and so says Brompton, fol. 997. lin. 46.*

The sense this King had of the Power of the Great Council of the Kingdom, made him take the same Course to secure the Crown to his Son William: For, says the Historian, in the 13th year of his Son's Age, having called a General Council, and there caused all the Chief and Powerful Men of the Kingdom to swear that his Son William should succeed him in the Throne and Dominions; the words of my Author follow: *Videns autem Rex Angliæ Henricus in solo filio suo Willielmo spem successionis esse, tertio decimo filii sui anno concilio fecit omnes*

amici principes & prelati Anglicani Regni adfuerunt Terrent & Regum Wilhelmo filio suo. Chronica Geruallii, Col. 1338. lin. 57. *1199* *1200*

But this *William* some years afterwards was drowned, and so left his Father without any Issue male legitimate. But he had a Daughter, married then to the Emperor, *Henry IV.* and therefore he summoned another Great Council in the 27th year of his Reign, to get the Kingdom settled upon her, and to receive her for their Queen after his decease, as *Malmesbury* relates the Story. *An. 27. Regni sui, prime uide natus, Condocto apud Londunam magni Cleri & Optimatum numero, King Henry, in eodem Concilio Omnes tunc Anglia Optimates, Episcopi etiam & Abbates Sacramenta iuravit & obfirmavit; ut si ipse sine herede masculo decederet, Matrem suam quondam Imperatricem, inuenerunt, & sine ulla retractione Dominum receiverent. In which Council, all the Chief Men of the Nation bound themselves by an Oath, together with the Bishops and Abbots, That if King *Henry* should dye without Issue male, they would receive *Maud* his Daughter for their Liege Lady, immediately, without any hesitation. *Malmesb. Hist. Nouelle, lib. 1. fol. 99. lin. 34. &c.* And in the 31st year of his Reign, returning with his Daughter into England, he called another General Council of the Great Men at *Northampton*, and there again he got those that before had sworn Fealty to her, to renew their Oaths, and those that had not sworn as yet, to take the Oath of Fidelity to her; it is the same Historian, whose words are, *An. 31. Regni sui Rex Henricus rediit in Angliam, Imperatrix quoque eodem anno natali solo aduentum suum exhibuit, habetque non paruo Procerum Conuentu apud Northampton. Primum fidem apud eos, qui decederant, renouauit, ab his qui non decederant, accepit. Id. fol. 100. lin. 43.* After all this Care, (which was the best he could take) to make*

his Daughter his Successor to the Throne of this Kingdom, yet no sooner was he dead, but another steps up; and debates her of her Possessions; and how he possesse'd himself of the Crown, is now to be our next Consideration.

(1) As the main Line of *Normandy* failed in this *Henry I.* who was but the Third Inheritor; so, says my Author, the Succession ever since proved so brittle; that it never held to the Third Heir in a right Descent, without being put by, or receiving some alteration by Usurpation, or Extinction of the Male blood. Sir *John Churchill* in *Diary Britannici*, fol. 109. *Stephen*, Earl of *Mortain* and *Beleins*, was the Son of *Adala*, or *Adelicia*, alias *Alice*, one of *William* the First's Daughters; and says *Danish* in his History of him, He having no Title at all, but one of the Blood, by mere Election of the State, was advanced to the Crown; notwithstanding the former Oaths taken to *Maud*. Some imagine upon these Reasons of Council, the State refused *Maud*, for it not being then the Custom of any other Kingdom Christian (whole Kings are anointed) to admit Women to inherit the Crown, therefore they might pretend to be freed from their Oath, as being unlawful. But *Roger*, Bishop of *Salisbury*, one of the Principal Men then in Council, yielded another Reason for the discharge of this Oath, which was, That seeing the Late King had married his Daughter out of the Realm, and without the Consent thereof, they might lawfully refuse her. *Daniel*, fol. 58.

Sir *Winston* owns an Election, tho he asserts it in this manner, to say truth, The People did not so much elect him; as reject her. *Diary Brit.* fol. 109. and gives divers Reasons for it, as may there be seen.

But the Clergy says *Daniel*, would not admit him for their King, but



*Ego Stephanus Dei gratia, assensu Cleri & Populi in Regem Angliæ Electus, &c.* Ric. Hagulst. Col. 314. lin. 15. 6009.

And the Pope, in his Charter of Confirmation sent to him, puts him in mind of it likewise in these words; *Commun. Voto & unanimi Assensu tam procerum quàm etiam populi, se in Regem electum, & à Prasulibus Regni consecratum fuisse.* Id. Col. 313. lin. 63.

His Reign was indeed full of Disturbances; being almost continually in War to keep the possession of it, both with <sup>a</sup> *Maud* the Empress, and her Son *Henry* by her <sup>b</sup> second Husband the Duke of *Anjou*; but at last <sup>c</sup> a Mediation was concluded on in a Parliament at <sup>d</sup> *Winchester*; and the Historians inform us it was upon these Terms; <sup>e</sup> That *Stephen*, during his natural life, should remain King of *England*, and *Henry* enjoy his Dukedom of *Normandy*, as descended to him from his Mother, and be proclaimed Heir Apparent, and his Successor, as the Adopted Son of King *Stephen*; and thereupon the *English* Earls, Barons and Great Men by the King's Command, swore Fealty to Duke *Henry*, saving that Honour they were to pay the King whilst he lived. Duke *Henry* ever after gives *Stephen* the name of Father, and the King him the name of Son, who was without any opposition to have the Crown in case of Survival. I shall only name my Authorities, because I have been so large upon this Reign already, and direct to the Pages. [<sup>a</sup> *Guliel. Neubrig. Rer. Anglie. l. 1. c. 8. p. 303. lin. 23.* [<sup>b</sup> *Id. c. 29. p. 378. lin. 37.* printed at *Heidelberg. CIO. D. LXXXVII.* [<sup>c</sup> *Id. c. 30. p. 379. lin. 40.* [<sup>d</sup> *Gervas. Chron. Col. 1375. lin. 6.* [<sup>e</sup> *Mat. Westm. fo. 246. lin. 15. Joh. Hagulst. ad. Col. 282. lin. 27. Hen. Hunting. lib. 8. fo. 228. lin. 6.* The Agreement is at large set forth in a Charter of King *Stephen's*, where you may read the whole matter. *Vide Brompton, Col. 1037, 1038, &c.*

I shall only insert here three lines

of it, to shew the Reader how his hereditary was understood then. *Stephanus, &c. Scribit quod ego Rex Stephanus Henricum Ducem Normannie post me Successorem Regni Angliæ, & heredem meum jure hereditario constituimus.* Id. *ibid.* *(Neuquid obsequio Regis adhibere Cetera insunt)* *whence comes*

(a) Upon the death of King *Stephen*, *Henry* the Second succeeded to the Kingdom according to the above-said Parliamentary Agreement in that Right which had been conferred on him with universal Consent, and he was one of the greatest Kings this Nation ever knew; for he was in right of his Father Earl of *Anjou*, in right of his Mother Duke of *Normandy* and *Britany*, in the right of his Wife Duke of *Guain* and *Aquitaine*, Earl of *Thurain*, *Theloffe* and *Poitou*, and in his own Right King of *England*; and not long after (by right of Conquest) Lord of *Ireland*. *Divi Britanni. fo. 212.*

*Radulphus de Diceto* says, That King *Henry* being at the time of *Stephen's* death out of the Land, as soon as ever the News of it came to him, *Dux Normannorum Henricus venit Barbelevium, & ibidem per totum mensem ventum expectavit, & 7. idus Decembris in Angliam veniens, 14. Kal. Jan. die dominica ante natale Domini apud Westmonasterium ab omnibus electus, & in Regem unctus est à Theobaldo archiepiscopo Cantuariensi, prefente archiepiscopo Eboracensi, & aliis Episcopis Angliæ. Ymagines Historiarum. Col. 529. lin. 13. Ypodigma Neuftrix. fol. 446, lin. 20. uses almost the very same words. *Mat. Westm. 246. lin. 40.**

*William of Neubourgh* declares it thus; *Anno à partu Virginis MCLIII. Henricus, Henrici Majoris ex filia olim Imperatrice Nepos, post Mortem Regis Stephani à Normannia in Angliam venit, hereditarium Regnum suscepit, conclamatus ab omnibus, & consecratus mystica unctione in Regem, concipientibus per Angliam turbis, vivat Rex; the King was received as Sovereign with*

an Universal-Rejoicing and Acclamation of the People: *Guil. Neubrig. Rithm. Angl. lib. 2. c. 1. fo. 381.*

*Matthieu Paris Says; Dux Henricus, septimo Idus Decembris in Angliam venit; cum magno Cleri & Populi tripudio exceptus est, & decimo quarto Kalendas Januarii die Dominica ante Nativitatem Domini, apud Westmonasterium ab omnibus Reclamantibus, & Theobaldo Cantuariensi Archiepiscopo in Regem consecratus; presentibus Archiepiscopo, Episcopis, & Baroibus Regni Anglorum & Ducatus Normannorum.* *Mat. Paris. fol. 91. lin. 29.*

*Brompton* says, He received this Hereditary Kingdom without any diminution, to the general joy and satisfaction of all; *Hereditarium Regnum sine diminutione suscepti, congaudentibus & clamantibus Turbis, videtur Rex.* *Brompt. Col. 1043. lin. 47.*

*Polidore Virgil* relates it thus, *Dux Normannie Henricus certior factus de obitu Stephani, statim in Angliam venit, quem Populus faustis plausibus accepit, atque Universi heroes Regem consalutarunt. Dein convocato ad Westmonasterium Concilio, XIII. Kalendas Januarii Rex creatus, & à Theob. Cant. Archiep. Sacrat. Pol. Virg. fol. 210. lin. 41.*

- (w) Henry being dead, Richard, Earl of Poitou, going to Rouen in Normandy, was there by Walter the Archbishop, girt with the Sword of the Dutchy of Normandy, and having settled the State of that Province, he came from thence to England, and so to London, and summoning there all the Clergy and Laity, he was by them solemnly and duly elected; and after he had taken his Coronation Oath, and swore to three things, viz. 1. That all the days of his life he would bear Peace, honour and reverence to Holy Church, and the Ordinances thereof. 2. That in the People unto him committed, he would exercise Right, Justice and Equity. 3. That he would

blot forth mighty Laws, and perverse Customs, if any were brought upon his Kingdom, and would enact good Laws, and the same in good faith keep, and without Mal-Engyn. *Speed. Chron. fol. 514. Col. 2. Brompt. Col. 1158. lin. 60.* He was with their Advice and Assent consecrated and Crowned.

*Ralph de Dicke*, then Dean of St Paul's, who in the Vicinity of that Church and Bishoprick, supplied the Office of the Bishop at Earl Richard's Coronation, writes thus; *Comes itaque Pictavorum Richardus Hereditario Jure primogenitus in Regem post rari Christi quam Populi Joielem & debent Electorem, introduitur in triplis Sacramenti &c.* *Col. 647. lin. 45.*

*Roger de Hoveden* gives it us in these words; *Dux Richardus omni Londonias, congregatis ibi Archiepiscopis, Episcopis Comitibus & Baronibus & episcopa militum multitudine in occursum ejus, quorum Consilio & Assensu ipse Dux 3. Nonas Septembris die dominica, consecratus & coronatus est in Regem Anglie Londoniis apud Westmonasterium, a Baldvino Cantuariensi Archiepiscopo, ministrante ei in illa Coronatione Waltero Rothomagensi, &c. Episcopis; & omnibus fere Abbatibus, & Prioribus, & Camerariis, & Baronibus Anglie assistentibus.* *R. Hoved. pari posterior. fo. 374. lin. 10.*

*Polidore Virgil* is short, but yet owns that a Parliament was summoned to make him King; *Richardus in Angliam profectus, says he, Londinum properat, convocatoque Consilio, Rex creatur, & à Baldvino Cantuariensi Archiepiscopo, more Majorum, consecratur.* *Pol. Virg. fol. 242. lin. 36.*

The manner of this King's Coronation is delivered to us by *Hoveden* in the plenitude of all its Circumstances and Solemnities, to which I shall refer, that I may not be over-tedious; only observe that the Archbishop, (after the King had so solemnly taken the Oath, before the Clergy and Laity, co-



ram Cete & Nepula) fashed him on the  
bait of Almighty God; to presume  
to take upon him that Dignity, unless  
he resolved faithfully to perform those  
things he had then at the Altar so re-  
ligiously sworn to; to which the King  
answered, That by God's Grace he  
was resolved to do so. *Archiepiscopus*  
*prohibuit eum pons Omnipotentis Dei, de*  
*hunc honorem sibi assignaret, nisi in omnia*  
*haberet supradicta sacramenta, Et voto*  
*quo fecerat, invariabiliter servare; Et*  
*ipse respondit, se per auxilium Dei omnia*  
*supradicta servaturum sua fraude.*  
R. Hoved. ut sup. 374. b. lin. 9. Vid.  
Broom. fol. 159. lin. 19. *Conjunctus*  
*ab Archiepiscopo Et probatus, Et: and*  
*so forth And, Bar. fo. 153. lin. 48.*

- (x) King Richard dying without Issue  
lawfully begotten; this Hereditary  
Right of Succession was in Earl, or  
Duke Arthur (for he is called by both  
Titles) of Britain; the Posthumous  
Son of Geoffrey Plantagenet, Elder Bro-  
ther to John Earl of Mortain; besides,  
Arthur's Sister, Eleanor, was then li-  
ving, who had a nearer Right to the  
Crown of England, than her Uncle  
John could as then pretend to: But  
however, he thought himself of  
propinquity of Blood near enough  
(being the Son of a King, and Brother  
to a King, and the only Son of Henry  
the Second then surviving) to get the  
Crown, if he could win over the States  
to his Interest and Side, that being in  
his Opinion the surest way of establish-  
ing him in the Throne; and therefore  
he got first their Allegiance sworn to  
him against all men, before he came into  
England; and next by their Humane  
Consent, and way of Election, received  
the Crown upon the Ascension-day, at  
the hands of Hubert Archbishop of  
Canterbury; and afterwards by his  
Charter he declared to the World that  
he was Crowned King; *Jure Heredita-*  
*rio, Et mediante tam Cleri quam Populi*  
*unanimi Consensu Et Fovore, by the Ele-*  
*ction and Favour of both Clergy and*

*Laity, Et Rex. Regist. in Archiep. Cons.*  
*Archiepiscopus.*

Heyden says, Hubertus Cantuariensis  
Archiepiscopus. Et Willielmus, Mar-  
schallus, qui missi fuerant ad pacem An-  
glie Custodiendam, fecerunt homines Reg-  
ni tam de Christianis quam de Bar-  
baris, Et Comes Et Barones, Et Libere tenentes,  
jurare fidelitatem Et pacem Johanni, No-  
mannorum Duci, filio Henrica Regis, filie  
Matildis Imperatricis, contra omnes ho-  
mines. B. Hoved. pars posterior, f. 450.  
b. l. 42.

Broom's words are, Johannes Ri-  
chardi frater Londoniensi perveni in Eps-  
copatum Dunelm. Et Kal. Junii, An-  
Dom. M. CXGIX. ab Huberto Cantuarien-  
sis Archiepiscopo in Ecclesia Beati Petri  
Westmonasterii inauguratus. Et in Regem  
Anglie coronatus. Assensu, Relectorem,  
Consensum Et Barones, Et aliorum Nob-  
ilium Multitudine infundis. Broom. Col.  
1281. lin. 47.

Matthew Paris, gives us the Speech  
that Archbishop Hubert made at his  
Coronation, *Congregati Archiepiscopi,*  
*Episcopi, Comites Et Barones, atque*  
*alii omnes qui ejus Coronatione iura-*  
*isse debebant. Archiepiscopus. Pax in*  
*media oculorum vestris, Audite Universi.*  
*Novit Discretio vestra, quod nullus*  
*privata ratione alii succedere habet*  
*Regnum, nisi ab Universitate Regni*  
*unanimiter, invocata Spiritus sancti*  
*Electus, Et: And tells the Assembly,*  
*(after he had demanded Silence) Be*  
*it known to your discretions, that*  
*no Man hath right to succeed another*  
*in the Kingdom, unless (after seek-*  
*ing the Grace of God's holy Spirit)*  
*he be unanimously chosen by the Univer-*  
*sity of the Kingdom. And then, he*  
*goes on a little after, and says, Verum*  
*si quis ex stirpe Regis defuncti, alius pre-*  
*polleret, prout et presumptus in Electio-*  
*nem ejus est consentiendum; But if any*  
*of the offspring of the deceased King*  
*was more deserving than others, as*  
*this John was, they ought more rea-*  
*dily to consent to his Election.*  
And then concludes, We having  
considered

considered the Valour and Prowess of this Noble Person here present, *ratine tam multum quam sanguis Regis unanimiter eligimus Unversis*, have all of us unanimously chosen him, as well in regard of his Merits, as of his Royal Blood, *Mat. Par. fol. 197.*

But King John soon shewed what Spirit he was of; and contrary to his Coronation-Oath, *without the Consent or Assent of his Barons*, he subjugated as much as in him lay, the Kingdom (which was always free) and made it tributary to the Pope; subverting the good Customs; and introducing evil Ones, whereby he laboured to enslave both Church and Nation with many grievous Oppressions, &c. for which after many Applications and Addresses made to him, the Barons were forced to begin a War with him; and at last, amongst other things, by his own express consent it was agreed, that if He returned again to his former excess of misgovernment, the Barons should recede from their Fealty and Allegiance; but yet in a little while disregarding this Contract, he fell into new, and almost insupportable Oppressions; led on by his wicked Councillors, who knew how to make their own advantages by his irregularities; and with all (as *Daniel*, fol. 121. observes) so harsh a thing as it to a Power that hath once gotten out into the wide Liberty of his Will, to hear again of any reducing within his Circle; not considering how they who inherit Offices succeed in the obligation of them, and that the most certain means to preserve unto a King his Kingdoms, is to possess them with the same conditions that he hath inherited them.

For his Evil Oppressions, as well as Councillors to them, *vid. Mat. Westm. fol. 268, 269, 270.* Of the latter, the Book says, *Qui Regi in omnibus placere cupientes, consilium, non pro ratione, sed impetu voluntatis, perniciosum dedere?* They observed (as *Daniel's* words

are) which way his will bent, and so did they, they could not turn him more violently on that side. Wicked Councillors, as if it were not enough to be above Men, but to be above Mankind, as those Priests would be, they would not be under the Law; considering the preservation of Kings and Kingdoms, is to have the Balance of Satisfaction, both of the one and other, equal. — And worthily that Prince deserves to be deceived in his Executions; who understands not as well the Councillors as the Council. *Daniel*, fol. 124.

Their Oppressions at last became so universal, that they were insupportable to the whole Nation, Nobility, Clergy and People; whereupon *Chronica W. Thorn* in Decem. Scriptor. Col. 1869. lin. 54. ) *de Comuni Regni Consilio & Approbatione ipsum Regem iudicant indignum*; by the General Council and Approbation of them all, they judged him unworthy of the Kingdom. *Abjudicatus est a Regno*; as *Mat. Westm.* words are, He was by judgment deprived of the Kingdom. *Expedi igitur* (says Knighton, Col. 2423.) *ut deleatur a solio Regni sui, nolimus enim de cetero cum regnare super nos*, it was thought absolutely necessary to depose him from the Throne of his Kingdom; for they would not any longer suffer him to Reign over them. And then, *communicato consilio*, after the Council had fully debated on the matter, *decretum est, ut aliquem potentem in Regem eligerent, per quem possint ad possessiones pristinas revocare*; (as *Matthew Paris* Writes, fol. 279.) *Credentes, quid nullus Johanne vel Durior possit dominari*, they decreed, to chuse some puissant person for their King, by whose assistance they might be enabled to recover their Ancient Possessions, all stedfastly believing this, that no body could rule more Arbitrarily and Tyrannically than King John had done; and so after some time, ballancing upon whom their free

free, Ellegans Richard fell, *campus ag-  
guenda, quem abigeris, hestissent,  
detrahe in locum ante castrum, they  
all unanimously consented, That Lewis,  
the French King's Son, should have the  
Crown of England, upon which they  
sent some of their own Body, (*mis-  
erunt quidam de suis suis, Karones &  
Civis, ad eum ad Ludovicum, quem  
in Regem elegerunt.* M. West. 474.)  
both Lords and Commons, beyond  
Sea to the said Lewis, whom they had  
so chosen for their King, desiring him  
with all speed to come over into  
England, promising immediately upon  
his Advent, to deliver the City of  
London into his hands, and to do him  
Homage and Fealty. *Knayhton, de  
Sep. 3. Barones Anglie cum Johanne Rege  
Anglicis, iniquis de Regis Eam Obli-  
vionis, Ludovicum filium Philippo Regis  
Gallicarum Matrem, propter sui Blanche  
Uxoris ejus Regem suum esse volebant.  
Erat autem Blanche externis Natalibus  
orta, sed Nuptis memoratis Richardi,  
Alphonso Regis Castille filia, ex Elia-  
nora Uxor, qua filia Henrici secundi  
Anglorum quidam dicit Regum Richardi  
& Johannis fuit. Quam Historiam in  
hunc duntaxat finem proferre volui, ut  
ex ea facile illorum temporum hinc fuisse  
opinionem cognosceremus, Externam Na-  
tavitatem ad Titulum Regni heredita-  
rium, nullum plane Impedimentum  
existimari; Rec. Jo. Lellatis Episcopus  
Russensis de Successione Jure Regnorum  
Anglie & Hibernie, &c. p. 19. a.  
Lewis coming to London, was joy-  
fully received, and upon his Oath first  
taken to restore the peoples Laws, and  
recover their Rights, they Elected and  
made him King, and had Homage and  
Fealty done him, as the Sovereign Lord  
Vid. Daniel, fol. 103. 122. Lewis  
himself, in his Epistle to Alexander,  
the Augustin Abbot of Cant. owns his  
Election in these words, *De Comuni  
Regni Consilio & approbatione, Nos in  
Regem & Dominum elegerunt.* Chron. W.  
Thorn. Col. 1869. lin. 56. But He,  
being a Frenchman, soon forgot what**

he had bound himself to observe by  
the Coronation Oath, and was con-  
vulsing all he could to make his  
Government his Arbitrary, and de-  
pendant upon his own Will and  
Pleasure, despising both the Councils  
and the Persons of the Nobles (as  
you may read in *Knyghton, Col. 1222*)  
upon which they began to repent  
them of their new choice, and their  
late King John happening most op-  
portunately to take his leave both of  
them and of the World, they pre-  
sently withdrew their Fealty from the  
New King; and we shall see how they  
came to place the Crown upon the  
next Successor's Head.

I shall only give an account of  
John's Murdering of Arthur of Britain,  
the Rightful Heir, (as the late Re-  
verend Dr. Tho. Pierce, Dean of Sarum's  
words are, in his Vindication of the  
King's Sovereign Right, fol. 2.) from  
an Ancient Historical Manuscript (in  
that famous Library of Mr. Simon late  
deceased, the Author of which, *Hist.  
de Chronica deprehenso de tempore  
Edwardi Regis ultimi, &c. de regibus  
Anglorum Memor.* That is, he begins  
with Edward the Confessor, being the  
last of that name before the pretended  
Conquest, and continues his History  
down to the beginning of Henry the  
Third's time, wherein it was writ;  
(for the hand of the Manuscript, is  
a Hand of that very time). He tells us  
this Story, *Cum Rex Johannes regis  
Arthurum propter aliquandiu in Carcere  
vinculis tenuisset, in carcere tandem Rocho-  
magensi fore, cui ante post prae-  
dium Ebrui & Demoniis plenus propria  
manu interfecit, & grandi lapide ad ebrui  
hujus villagii projecit in Sequanam, ubi re-  
stis piscatoris (id. Sacerdotis) inventionem est,  
ad litus Arcturum, veniens & in priore  
Becci qui dicitur Sancta Maria de Brato  
occulte sepulchrum, propter iniquitatem,  
Quod cum fama vulgante audisset praedictus  
Rex Francorum, & propter quod sancti Arctu-  
rum esse occisum, & in priore Becci inter-  
fectum esse Johannem, ut ostendit ad*

\* Satanam.  
\* Pilatorio.

Curios Francie, ubi solent Dives Not-  
tariis: de hoc sine Danti. Fieri responsu-  
rum et su. si postea persequitur tantumque  
Fieri. Ex parte legitime hanc Anglia,  
Regis Britannie, et Genui Regis Fran-  
cie. Illi adit molit fuit reseruit nunquam  
eius est compertis, sed fuit in Angliam,  
et in ad super heredes: fuit gravissimam  
et grandem exercuit, usque ad mortem  
eius, postquam datus nunquam venit ad  
resolvendum de morte. Arthur. Et se  
et hunc per Judicium Curie Regis et  
Principum Francorum adjudicatus est. Et  
ex hereditate est eum omnibus hereditibus  
suis de Universis Terris et honoribus quos  
tenuit de Corona Francie. He kept his  
Nephew Arthur for some time alive in  
Prison in the Castle, but one  
day in a Drunken fit, being fill'd with  
a Devilish malice, he went and killed  
him with his own hand, and tying a  
great Stone about his Body, cast it into  
the Seine, which being dragged to shore  
by a Fisherman's Net, was known, and  
secretly buried in the Priory of Beck,  
called St. Mary in the Fields, for fear of  
the Tyrant. But as soon as the K of  
France was certain of this Murder, He  
summoned the Murderer John to come  
and Answer it at his Court; for Arthur  
was the Legitimate Heir of England,  
Earl of Britain, and the K. of France his  
Son in Law. But he being conscious of  
his guilt, never durst appear there, but  
fled into England, where he committed  
most grievous Tyranny upon his own  
Subjects to his dying day. The Court  
of France, for his contempt, adjudged  
and disinherited him (with all his issue)  
of all the Lands and Honours he held  
from that Crown.

Mat. Westm. Says, that this John,  
a long time before, endeavoured  
unjustly to deprive his Brother  
Richard from the Kingdom of  
England, and thereupon was accused  
and Convicted of Treason, and Con-  
demned too in open Court, which  
Sentence was pronounced by Hugh  
Pudsey, Bp. of Durham, and E. of Nor-  
thampton, and so was never true

King. But if he had been King for  
some time, and also a true (that is,  
Lawful) King; yet afterwards he had  
seized the Kingdom by the Murder  
of Arthur, for which he was Con-  
demned in the Court of France; And  
he said also, That no King or Prince  
could give away his Kingdom, without  
the consent of his Barons, who were  
bound to defend the Kingdom. Vid.  
Mat. Westm. fol. 235. l. 47. and 236.

(y) Upon the Death of K. John the  
Kingdom being miserably harassed and  
abused by Lewis, The Great Marshall,  
William E. of Pembroke, sending for as  
many of the Nobility, Gentry and  
Commons as he could get to him at  
Gloucester, where Henry, K. John's Eldest  
Son was, not then being full Nine years  
of Age; he set this young Prince before  
them all, and, as he was a Man Magna  
auctoritatis et sani Consilii, speaks to this  
effect to them, 'Tho we have profe-  
rated the Father, propter mala ejus ope-  
ra, and that justly, yet this young  
Infant is pure and innocent from those  
his doings; you know what the Scrip-  
ture saith, The Child shall not bear  
the iniquity of his Father. Ignoscendum  
est parvulo isti et tenera compatiendum  
aetati; nunc autem, quia filius Regis est,  
& futurus Dominus noster, Ragnique suc-  
cessor, venite, & consuetudinem cum nobis  
in Regem, &c. Come, let us pity his  
tender years, and make and constitute  
him to be our King, & ejiciamus à terra  
nostra, this French King's Son, and his  
People, & dirumpamus jugum servitutis  
iniqua, and throw off this yoke of vile  
Slavery from us. At last the whole  
Council, quasi divinitus inspirati, as if  
they had been inspired from Heaven,  
cried out with one voice,  
'fiat sic, fiat Rex, fiat Rex; An. Dom.  
be it so, he shall be our 1216.  
King; so the day was ap-  
pointed for his Coronation, which was  
that of the Apostles, Simon and Jude.  
Knighton de Event. Anglia, Col. 2436,  
2437. and Vid. Mat. Par. f. 289 & 289.  
lin.

lin. 39. Vid. *Met. Welm.* l. 478. lin. 4.  
and 479. lin. 15.

This was manifestly against the Right of *Elisabeth*, Prince *Arrian* Advers, who was then living and kept close Prisoner by the Tyrannical commands of her late deceased inhuman Uncle: She was the next immediate Heir to her Murdered Brother, and rightful Successor, the *Funer's Dignity*, and this *Henry* who he was *filius Regis*, yet was he likewise the Son of a Murderer (as is plain by the foregoing relation) and of an Usurper of another's Right all his days; and till the 21 year of this *Henry's* Reign (in which he died) he had no better a Title to the Crown, than what was given him by the said *Elisabeth*. Vid. *Met. Par.* fol. 174. lin. 40.

(2) After the long and uneasy Reign of *Henry III.* he dying, and his Son *Edward* being in the *Holy Land* at *Palestina*, the States assembled at the *New Temple*, and proclaim this Son *Edward* King, tho they knew not whether he were living. Thwart's Fealty unto him causes a New Seal to be made, and appoints fit Ministers for the custody of his Treasure and his Peace. *Daniels.* 157. *Hor. anno. scil.* 1273. *Facta convocatio omnium Prælatorum & aliorum Magnatum Regni apud Westmonasterium, post mortem illustris Regis Henrici, conveniunt Archiepiscopi, Episcopi, Comes, & Barones, Abbates & Priores, & de qualibet Civitate quatuor, qui omnes in presentia Dominorum Willielmi, sc. Archiepiscopi Eboracensis, Roberti de Mortuo mari, & R. Burnell, Clerici, qui in loco Domini Regis Anglorum Edwardi presuerunt. Sacramentum eidem Domino Edwardo, tanquam terra Principi præsecurant, & de pace Regni firmiter & fideliter custodienda præceptum susceperunt, ubi Dominus W. de Mertone Cancellarius constitutus est, & ut moram trahat apud Westmonasterium tanquam in loco publico, usque ad adventum Principis. Et ibi præsumptum est, quod nulli sint Justitiarum itinerantes usque ad adventum Principis, sed in Banco. *Annales Waverleien.* fol. 127.*

(2a) In the 10th year of *Henry VI.* (2a)

*Richard*, Duke of *York*, who had claim to the Crown in *Richard II.* and after long Arguments made, and deliberate Consultation had among the *Peers, Prelates, and Commons of the Realm*; says *Geoffrey*, it was considered and agreed by the *Three Estates* for to much as King *Henry* had been taken as King by the space of 34 years and more that he should enjoy the Name and Title of King, and have possession of the Realm during his life natural: and if he either died or resigned, or forfeited the same, for infringing any point of this Concord, then the said Crown and Authority Royal, should immediately descend to the Duke of *York*, if he then lived, or else to the next Heir of his Line or Lineage; and that the Duke from thenceforth should be Protector and Regent of the Land. Provided always, That if the King did closely or secretly study, or go about to break or alter this Agreement, or to compass or imagine the death or destruction of the said D. or his Blood, then he to forfeit the Crown, and the D. of *York* to take it. These Articles, with many other, were not only written, sealed, and sworn by the two Parties; but also were Enacted in the High Court of Parliament. *Grafton's Chron.* fol. 1547. vid. *Cost. Records*, 39 H. 6. from a<sup>o</sup> 10. 22 n<sup>o</sup> 33.

But *D. Richard* being slain in the Battle of *Wakefield*, his Son *Edward* called a Council of Lords Spiritual and Temporal, and laid open his Title to the Realm to them, with the Articles of Agreement. After the Lords had considered and weighed his Title and Declaration, they determined by Authority of the said Council, that inasmuch as King *Henry*, contrary to his Oath, Honour and Agreement, had violated and infringed the Order taken and Enacted in the last Parliament; and also because he was insufficient to rule the Realm, and unprofitable to the Commonwealth; he was therefore by the said Authority, deprived and deposed of



of all King's Honour and Royal Sovereignty, and Incontinent *Earl of March*, was by the Lords in the said Council assembled named, elected and admitted, for King and Governour of the Realm. And the People being gathered in *St. John's Fields* to behold the Muster that was there that day, the Lord *Robert*, who took the Muster, which declared to the Multitude, the Offences and Breaches of the late Agreement done by King *Henry* & and demanded whether they would have the said King *Henry* to reign any longer over them; to whom they with a whole voice, answered, *Yes, yes*; then asking them if they would serve and obey the Earl of *March* as their Sovereign Lord, they answered, *Yes, yes*, crying King *Edward*, with many great shouts, and clapping of hands. The Lords being adverted of the Loving Consent, which the Commons frankly and freely of their free will had given; they all presently with several of the most substantial Commons went to *Barnard's Castle*, and acquainted the said Earl with their Election, and Admission, and the Loving Assent of the Faithful Commons: And the next day being conveyed to Westminster, his Title and Claim to the Crown was declared, 1. As Son and Heir to *Richard* his Father, right Inheritor to the same: 2. By Authority of Parliament, and Forfeiture committed by *K. Henry*. And the Commons being again demanded, if they would admit and take the said Earl as their Sovereign Lord, all with one voice cried, *Yes, yes*; which Agreement concluded, He was then again proclaimed, and the 19th of June following he was at Westminster crowned King by the name of *K. Edward* the Fourth. Grift. Chron. f. 652, 653, 658. Vid. Speed's Hist. fol. 857. Col. 1, 2. Stow. fol. 414. Col. 2. 415. Col. 1.

*Richard* the Third being intreated, by a Petition delivered in a Roll of Parchment in the Name of the Three Estates out of Parliament, to accept the Crown, at first modestly refused, but afterwards he said, 'Since we will per-

ceive that all the Realm is so set, whereof we be very sorry, that they will not suffer in any wise *K. Edward's* Line to govern them, whom no earthly man can govern against their wills; and well we also perceive, that no man there is to whom the Crown can by just Title appertain, as to our self, as very right their lawfully begotten of our most dear Father, *Richard*, late D. of York, to which Title is now joined your Election, the Nobles and Commons of this Realm, which we of all this possible take for the most effectual, We be content. Speed. fol. 908. n. 63.

And then an Act of Parliament passed to establish *K. Richard's* lawful Election. 12. fo. 911. B. sequent. Cott. Records. fo. 709, 70714. And it was therein ordained, provided and established, That the Tenor of that Roll, with all the Contents of the same, presented and delivered to the King, in the name, and in the behalf of the said Three Estates assembled in Parliament, and by Authority of the same, be ratified, enrolled, recorded, approved, and authorized, to the removing of the Occasions of Doubts, and Ambiguities, and to all other Lawful Effects, &c.

In the Margin as this Note.

The Three Estates must concur to make a Parliament, else his Tide would neither be valid, nor satisfactory, but ambiguous, as

before. No one or two of them being a full or real Parliament, but all conjoined.

And it declares towards the end, That 'the High Court of Parliament is of such Authority, and the People of this Land of such a nature and disposition, as Experience teacheth, that manifestation and declaration of any Truth or Right made by the Three Estates of this Realm assembled in Parliament, and by Authority of the same, maketh before all other things, most faith, and certain quieting of Mens minds, and removeth the occasion of Doubts, and seditious Language. Cotton, ut supra.

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